

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 1:15 CR 222
)	
)	
	Plaintiff,) JUDGE DONALD C. NUGENT
-vs-)	
)	<u>MEMORANDUM OPINION</u>
DELORES L. KNIGHT,)	<u>AND ORDER</u>
)	
	Defendant.)

This case is before the Court on Defendant, Delores Knight's Second Motion to Vacate Sentence pursuant to 28 U.S.C. § 2255. (ECF # 291). She has also filed a Motion for Appointment of Counsel and a Motion for Expert Assistance in connection with her Motion to Vacate Sentence. (ECF #292, 293). Ms. Knight previously filed a §2255 motion on February 6, 2020. (ECF #252). That motion was denied. (ECF #266, 267).

Section 2255 provides that:

A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain —

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

See 28 U.S.C. § 2255(h).

Because Ms. Knight has failed to receive authorization from the Sixth Circuit to file this second, or successive §2255 motion, the motion may not be reviewed by the Court at this juncture. Therefore, the Clerk of Court is directed to transfer Ms. Knight's instant motion to the Sixth Circuit Court of Appeals pursuant to *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997). Further, Ms. Knight's two motions, requesting Appointment of Counsel and "Expert Assistance" to aid her in presenting her Second Motion to Vacate, are DENIED as moot. (ECF #292, 293).

IT IS SO ORDERED.

/s/ Donald C. Nugent

Donald C. Nugent
United States District Judge

Date: December 15, 2023